

**Notice of Allowability**

Application No.

10/696,905

Examiner

Darren W. Ark

Applicant(s)

BRINT, GEORGE W.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephone Interview 2/16/05.
2. ☒ The allowed claim(s) is/are 4-9.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**DARREN W. ARK**  
**PRIMARY EXAMINER**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John M. Harrison on Wednesday, February 16, 2005.

The application has been amended as follows:

Canceled claims 1-3.

Claim 4. A flying bird decoy comprising a substantially vertically-oriented support; at least one arm rotatably carried by said support; at least one suspension line attached at one end to the at least one arm; and at least one self-propelled mechanical flying bird connected to the other end of said at least one suspension line to thereby connect said at least one self-propelled mechanical flying bird to and suspend said at least one self-propelled mechanical flying bird from said at least one arm, said at least one self-propelled mechanical flying bird having a motor therein and a pair of movable wings connected to said motor, for circling said support on said at least one arm responsive to up and down flapping of said movable wings by operation of said motor and flying of said at least one self-propelled mechanical flying bird.

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Claim 5. The flying bird decoy of claim 4 comprising a bearing provided on said support for receiving said at least one arm and wherein said at least one arm rotates around said support on said bearing responsive to said flying of said at least one mechanical flying bird.

Claim 6. The flying bird decoy of claim 4 wherein said at least one mechanical flying bird comprises two mechanical flying birds, each of said mechanical flying birds being attached to a respective ~~each~~ end of said at least one arm, ~~respectively~~.

Claim 7. The flying bird decoy of claim 6 comprising a bearing provided on said support for receiving said at least one arm and wherein said at least one arm rotates around said support on said bearing responsive to said flying of said mechanical flying birds.

Claim 8. The flying bird decoy of claim 4 wherein said at least one arm comprising a pair of arms disposed in vertically spaced-apart relationship with respect to each other and rotatable on said support, and said at least one mechanical flying bird comprising a first pair of mechanical flying birds attached to one of said pair of arms and a second pair of mechanical flying birds attached to said second pair of arms.

Claim 9. The flying bird decoy of claim 8 comprising bearings provided on said support for receiving said arms and wherein said arms rotate around said support on said

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bearings, respectively, responsive to said flying of said first and second pair of ~~said~~ mechanical flying birds, respectively.

2. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose a flying bird decoy comprising at least one suspension line attached at one end to the at least one arm, at least one self-propelled mechanical flying bird connected to the other end of the at least one suspension line to suspend the at least one self-propelled mechanical flying bird from the at least one arm, the at least one self-propelled mechanical flying bird having a motor therein, and a pair of movable wings for circling the support on the at least one arm responsive to up and down flapping of the movable wings and flying of the at least one self-propelled mechanical flying bird.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733 or (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark  
Primary Examiner  
Art Unit 3643

DWA